

**Significant Legislative Rule Analysis (SA)**  
**WAC 246-815-020**  
**Dental Hygiene Examination Eligibility and**  
**WAC 246-815-140**  
**A Rule Concerning Continuing Education for Dental Hygienists**  
**March 6, 2015**  
**(Supplemental to WSR 14-20-069)**

**Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.**

In November 2011 the University of Washington Oral Health Collaborative petitioned the department to start rulemaking to create more flexibility on how hygienists can satisfy the continuing education requirement. The request asked to have volunteering at community service events added to the rule. At the time, the Governor had imposed a rule moratorium under Executive Order 10-06. The department elected not to pursue rulemaking. After the rule moratorium was lifted, the department elected to proceed with amending the rule to include volunteer hours and other new CE categories as described below.

**WAC 246-815-020**

The existing rule identifies the dental hygiene examination eligibility requirements. The title is being changed to Dental hygiene licensure – Initial eligibility and application requirements as the department has not administered a dental hygiene practical examination since September 1993.

Along with the title change, the proposed rule includes: clarifying the requirements by reformatting and rewording, eliminating the certificate of completion requirement which constitutes proof of successful completion of an approved dental hygiene education program, removing the requirement that an applicant submit a photograph with their application, and adding it is the responsibility of the applicant to ensure the examination results are received by the department. These proposed changes will reduce barriers to licensing, allow dental hygienists to apply for a license using an online application, and bring the rule in-line with the existing program structure.

**WAC 246-815-140**

The existing rule identifies the continuing education requirements for dental hygienists. The rule was created and adopted in 1990 and there have been no changes to this rule since that time. The current rule requires dental hygienists to complete 15 hours of continuing education annually. Under the existing rule, one hundred percent of these hours could potentially be obtained through correspondence courses. The proposed changes allow a dental hygienist to obtain continuing education through multiple categories. This will allow flexibility in topics some of which require an assessment tool upon completion and have structured hours per category. The rule also requires a hygienist to attest that they have completed the required number of hours as part of the annual renewal process.

**Is a Significant Analysis required for this rule?**

Yes, as defined in RCW 34.05.328 portions of the proposed rules require a significant analysis.

**Clearly state in detail the general goals and specific objectives of the statute that the rule implements.**

The general goal of chapter 18.29 RCW is to assure the public's health, safety, welfare, and provide a mechanism for consumer protection, and provide dental hygiene services to individual consumers and the state.

The general goal of RCW 43.70.280 is to give the secretary, in consultation with health professions, board and commissions, the authority to establish by rule administrative procedures and requirements for initial issuance of a healthcare profession's credential.

**Explain how the department determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.**

The proposed rules will achieve the authorizing statute's goals and objectives by:

- providing up-to-date continuing education requirements that are clear, concise and necessary to assure patient safety;
- reducing barriers to the application process;
- allowing for structure and flexibility; and
- adjusting to current technology.

The Department of Health has assessed and determined that there are no feasible alternatives to rulemaking as rules are required by statute. These standards need to be established in rule to be enforced.

**Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.**

**WAC 246-815-020 Dental hygiene examination eligibility**

**Rule Overview** – The proposed rule changes the title to accurately describe the content of the rule: Initial eligibility and application requirements for licensure. The title is being changed as the department has not administered a dental hygiene clinical examination since September 1993. The proposed rule removes the requirement for applicants to provide a recent photograph (within one year) in their application. The secretary of the Department of Health in consultation with the Dental Hygiene Examining Committee elected to remove this requirement because it was burdensome for the applicant and it did not serve a purpose. The proposed rule removes the requirement that a certificate of completion constitutes proof of successful completion of an approved dental hygiene education program. This is being removed as it was used as

verification to allow an applicant to sit for the state clinical examinations, unnecessary because the department no longer administers the clinical examination.

**Rule Cost/Benefit Analysis** – The proposed changes will benefit applicants by removing requirement to provide a photograph as part of their application and removing the option of submitting a certificate of completion as proof of successful completion. There is no compliance cost with this proposed change.

### **WAC 246-815-140 Continuing education for dental hygienists**

**Rule Overview** – The current rule requires 15 hours of unstructured continuing education. The department worked collaboratively with stakeholders to come up with the minimum/maximum number of hours in some categories.

The proposed rule does not include a list of approved courses. Rather, it deems courses that “contribute to the professional knowledge and development of the dental hygienist.” The rule states that continuing education courses offered or authorized by industry-recognized local, state, private, national and international organizations; agencies or institutions of higher learning may include but are not limited to:

1. courses offered by the Washington State Dental Association, American Dental Association, National Dental Association, Washington State Dental Hygienists’ Association, American Dental Hygienists’ Association, National Dental Hygienists’ Association (including the constituent and component/branch societies);
2. courses on basic life support, cardio-pulmonary resuscitation and basic first aid courses;
3. books, research materials, or other publications (not to exceed five hours per year);
4. courses offered by distance learning to include correspondence, webinar, print, audio/video broadcasting, audio/video teleconferencing, computer aided instruction, eLearning/online learning, or computer broadcasting/webcasting;
5. a licensee who serves as an educator or who lectures to hygienists may accumulate same number of hours CE as attendees (not to exceed ten hours per year);
6. a continuing education program with a featured speaker;
7. nonclinical courses relating to practice organization and management, patient management, methods of health delivery, medical/dental insurance courses, or retirement (not to exceed five hours per year);
8. dental hygiene examination standardization/calibration workshops (not to exceed ten hours per year);
9. provision of clinical dental hygiene services in a volunteer capacity (not to exceed five hours per year); and
10. licensees who serve as a public health official or employee or contractor for a state or local health organization or a community prevention education expert that works in underserved rural and at risk population (not to exceed five hours per year); and
11. college courses directly related to dental hygiene.

**Rule Cost/Benefit Analysis** – The proposed changes will benefit licensees by increasing choices for continuing education by adding categories in which to obtain their continuing education. Patients may benefit as dental hygienists are more likely to stay up-to-date on technical changes and practice improvements. The total number of continuing education hours required is not

changing. The proposed changes will add structure, flexibility and demonstration of competence. Costs, including the time required to complete the attestation, may be nominal.

### **Cost-Benefit Conclusion**

Initial eligibility and application requirements:

These proposed changes will reduce barriers to licensing, allow dental hygienists to apply for a license using an online application, and bring the rule in-line with the existing program structure.

Continuing Education:

The rule provides more flexibility, structure and demonstration of competence in how dental hygienists can satisfy the continuing education course, which may include less costly options. The licensee will benefit with having additional categories in which to obtain continuing education credits. Patient experience and safety may be enhanced. In addition, the rule also requires hygienists to attest that they have completed the required number of hours as part of the annual renewal process, which will result in nominal costs mostly based on the time required to complete the attestation.

The rules collectively impose nominal costs on hygienists. The benefits of the rules is that they will eliminate the requirement for hygienists to include a recent photograph, it clarifies the application process, increases flexibility in how hygienists can satisfy CE requirements and adds an effective way for hygienists to attest they have completed the required CE. Therefore, the total probable benefits of this rule package, as described above, exceed the total probable costs.

**Identify alternative versions of the rule that were considered, and explain how the department determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated previously.**

The department considered several versions of the continuing education rule. There were a few versions that included a maximum number of CE hours that could be obtained in distance learning and attendance at a continuing education program with a featured speaker. These two versions met with considerable opposition.

The department developed the proposed changes collaboratively. The collaborative process included sending notice of the rulemaking to the dental hygiene listserv and three open public rules workshops. The workshops were held in Tumwater. Prior to the workshops, the department had sent out draft language to give the stakeholders a starting point.

The proposed changes to the continuing education rule spread out the hourly requirement and lists additional courses to choose from. This provides structure, flexibility, and demonstration of skills and improves patient safety.

The proposed changes to the initial eligibility and application requirements reduces barriers to the licensing process, allows dental hygienists to apply for a license using an online application, and bring the rule in-line with the existing program structure.

**Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.**

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

**Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.**

The department determined that the rule does not impose more stringent performance requirements on private entities than on public entities.

**Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.**

The rule does not differ from any applicable federal regulation or statute.

**Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.**

There are no other applicable laws.